

REMARKS

In the October 2, 2008 Office Action, all of pending claims 1-7 and 10-17 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the October 2, 2008 Office Action, Applicant has amended claims 1, 7, 14, 16 and 17 as indicated above. Thus, claims 1-7 and 10-17 are pending, with claims 1 and 7 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Interview Summary

On January 13, 2009, the undersigned conducted a personal interview with Examiner Rahim, who is now in charge of the above-identified patent application. Applicant wishes to thank Examiner Rahim for the opportunity to discuss the above-identified patent application during the Interview of January 13, 2009.

Basically, during the Interview, the undersigned argued that the arrangement of independent claims 1 and 7 are not disclosed as suggested in U.S. Patent Application publication No. 2002/0144513 (Gunji et al.), as asserted by the prior Examiner in this case. Unfortunately, agreement was not reached. Rather, Examiner Rahim indicated that because the upper, lower, rear, front, directions were not clearly defined in the claims and because the claims are broad, he believes the claims still read on the Gunji et al. publication. The undersigned then argued that the limitations of claims 13-15 are not disclosed or suggested in the Gunji et al. publication. Again, agreement was not reached in view of the alleged vagueness of the directional terms in the claims and the broadness of the claims.

Based on the above, agreement was reached that the undersigned should clarify the directional terms and better define the support unit in the claims in order to more clearly define the present invention of the Gunji et al. publication. Examiner Rahim indicated that such amendments would raise new issues requiring further consideration and/or search. This amendment clarifies the directional terms in the claims relative to a vertical indoor wall surface and better defines the support unit relative to the directional terms, as explained in more detail below.

Rejections - 35 U.S.C. § 102

In paragraph 2 of the Office Action, claims 1-7 and 10-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0144513 (Gunji et al.). In response, Applicant has amended independent claims 1 and 7 to more clearly define the present invention over the prior art of record.

In particular, independent claim 1 now requires, *inter alia*,

the indoor unit having a rear portion configured to be mounted to a vertical indoor wall surface,

a support unit supporting the ventilation fan and the heat exchanger, the support unit including a rear end disposed adjacent the indoor wall surface when the indoor unit is mounted to the indoor wall surface, a bottom surface extending outwardly relative to the indoor wall surface when the indoor unit is mounted to the indoor wall surface, an upper surface extending outwardly relative to the indoor wall surface and spaced upwardly from the bottom surface, and a tongue portion extending upwardly from the upper surface to cover the ventilation fan,

the support unit being configured such that the ventilation fan is rotatably supported on the support unit with the tongue portion adjacent the rear portion of the ventilation fan and the support unit lies entirely below the apex of the ventilation fan when mounted to the indoor wall surface, and

the support unit and the ventilation fan being further configured such that the apex of the ventilation fan is visible as viewed along the horizontal direction from a rearward side of the tongue portion before installation of the upper casing and the heat exchanger and before mounting the indoor unit to the indoor wall surface.

Similarly, independent claim 7 is directed to a method of assembling an indoor unit of an air conditioner having a rear portion configured to be mounted to a vertical indoor wall surface, which requires, *inter alia*,

providing a support unit having a rear end disposed adjacent the indoor wall surface when the indoor unit is mounted to the indoor wall surface, a bottom

surface extending outwardly relative to the indoor wall surface when the indoor unit is mounted to the indoor wall surface, an upper surface extending outwardly relative to the indoor wall surface and spaced upwardly from the bottom surface, and a tongue portion extending upwardly from the upper surface of the support unit to a free end that is positioned above the upper surface;

installing a ventilation fan on the support unit such that the ventilation fan is rotatably supported by the support unit, with the free edge of the tongue portion being positioned at a height no higher than an apex of the ventilation fan when the ventilation fan is rotatably supported thereon when the indoor unit is mounted to the indoor wall surface;

the support unit and the ventilation fan being further configured such that the apex of the ventilation fan is visible as viewed along the horizontal direction from a rearward side of the tongue portion before installation of the upper casing and the heat exchanger and before mounting the indoor unit to the indoor wall surface.

In other words, the structure/method of the indoor unit illustrated in Figures 7 and 9 of the instant application is more clearly recited in the independent claims. Clearly, the structure/method of these independent claims are *not* disclosed or suggested by the Gunji et al. publication or any other prior art of record. Specifically, in the Gunji et al. publication, the so-called support unit 120/121 has a free end disposed well above the apex of the ventilation fan, as best seen from Figures 2-4. The Office Action is apparently ignoring the parts of the support unit 120/121 (110) of the Gunji et al. publication that extend well above the ventilation fan. However, the vertical part of the member 110 is integrally formed with the curved portion 124, and thus, must be considered part of the "support unit" of the Gunji et al. publication, and not some other part, as understood from Figures 2-4 of the Gunji et al. publication. Thus, when the ventilation fan 400 of the Gunji et al. publication is rotatably supported on the so-called support unit 120/121 (110), the support unit has an integral part that extends well above the ventilation fan 400 (to the top of the indoor unit). In other words, in the Gunji et al. publication, the ventilation fan 400 cannot be rotatably supported by a part that does not extend above the ventilation fan. Moreover, because of the arrangement of the

one-piece support unit of the Gunji et al. publication, it is impossible for *the apex of the ventilation fan to be visible as viewed along the horizontal direction from a rearward side of the tongue portion before installation of the upper casing and the heat exchanger and before mounting the indoor unit to the indoor wall surface*. Thus, it is impossible for the Gunji et al. publication to disclose or suggest the unique arrangements of the independent claims 1 and 7, as now amended.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that independent claims 1 and 7, as now amended, as well as their respective dependent claims 2-6 and 10-15 are not anticipated by the prior art of record. Accordingly, withdrawal of this rejection is respectfully requested.

Additionally, with respect to claims 13 and 14, because of the arrangement of the one-piece support unit/back plate of the Gunji et al. publication, it is impossible for the Gunji et al. publication to disclose or suggest a rear access opening formed between the upper surface of the support unit and the upper casing when the upper casing is mounted to the support unit to cover the heat exchanger and the ventilation fan, where the indoor unit further comprises a back surface member removably mounted to cover the rear access opening such that the heat exchanger is concealed by the back surface member when the back surface member is covering the rear access opening, and such that the heat exchanger is viewable and accessible through the rear access opening prior to mounting the back surface member to cover the rear access opening, as set forth in claim 13.

Finally, with respect to claims 15 and 16, because of the arrangement of the one-piece support unit/back plate of the Gunji et al. publication, it is impossible for the Gunji et al. publication to disclose or suggest a rear access opening formed between the upper surface of the support unit and the upper casing when the upper casing is installed on the support unit to cover the heat exchanger and the ventilation fan, where the method further comprises removably mounting a back surface member to cover the rear access opening such that the heat exchanger is concealed by the back surface member when the back surface member is covering the rear access opening, and such that the heat exchanger is viewable and accessible through the rear access opening prior to mounting the back surface member to cover the rear access opening, as set forth in claim 15.

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Amendment dated January 30, 2009
Reply to Office Action of October 2, 2008

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-7 and 10-17 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested. If there are any questions regarding this Amendment, please feel free to contact the undersigned.

Respectfully submitted,

/Patrick A. Hilsmier/
Patrick A. Hilsmier
Reg. No. 46,034

GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444
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